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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,097	08/15/2001	Indermohan S. Monga	14984BAUS01U	1004

34845 7590 04/07/2006

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EXAMINER

.ALAM, UZMA

ART UNIT PAPER NUMBER

2157

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/930,097

Applicant(s)

MONGA ET AL.

Examiner

Uzma Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This action is responsive to the arguments filed on January 27, 2006. Claims 1-36 are pending. Claims 1-36 represent a method for provisioning bandwidth.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Sistanizadeh et al. US Patent No. 6,681,232. Sistanizadeh teaches the invention as claimed including a method for provisioning bandwidth (see abstract).

As per claims 12 and 24 Sistanizadeh teaches the device comprising:

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a user application requiring communication services from an optical communication network (column 7, lines 40-47); and

and optical service agent for providing bandwidth management services for the user application (optical service logic; Figure 2; column 5, lines 34-55).

As per claims 1 and 13 Sistanizadeh teaches an optical service agent as in claim 12 for providing bandwidth management services for a user in an optical communication system, the optical service agent comprising:

a user-to-network interface (UNI) for interfacing with an optical communication network (column 7, lines 1-40);

a peer-to-peer interface for interfacing with peer users (personal computers; column 7, lines 1-40); and

optical service logic for interfacing with the optical communication network via the UNI and with the peer users via the peer-to-peer interface for providing said bandwidth management services for the user (SLM Application Server; column 5, lines 34-55; Figure 2) .

As per claim 31, Sistanizadeh teaches a method for managing bandwidth for a user in an optical communication system, the method comprising at least one of:

Monitoring bandwidth utilization by an optical service agent in the user on a connection in the optical communication system;

Controlling bandwidth utilization by an optical service agent in the user on a connection in the optical communication system;

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Obtaining additional bandwidth by an optical service agent in the user on a connection in the optical communication system;

Relinquishing unused bandwidth by an optical service agent in the user on a connection in the optical communication system; and

Allocating bandwidth by an optical service agent in the user among multiple connections in the optical communication system (column 11, lines 34-64; column 15, lines 19-55; column 1, lines 45-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27; Figure 9)

As per claims 2, 14, and 25 Sistanizadeh teaches the optical service agent of claims 1, 13, 24 wherein the optical communication network comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI (column 30, lines 19-32).

As per claims 3, 15 and 26 Sistanizadeh teaches the optical service agent of claims 1, 13 and 24 wherein the optical service logic comprises:

bandwidth monitoring logic for monitoring bandwidth utilization on a connection (column 17, lines 45-67; column 15, lines 18-35; column 19, lines 21-35).

As per claims 4, 16, and 27, Sistanizadeh teaches the optical service agent of claims 1, 13, and 24, wherein the optical service logic comprises:

bandwidth controlling logic for controlling bandwidth utilization on a connection (column 15, lines 20-55).

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As per claims 5, 17 and 28 Sistanizadeh teaches the optical service agent of claims 1, 13 and 24, wherein the optical service logic comprises:

bandwidth obtaining logic for obtaining additional bandwidth for a connection (column 11, lines 34-67; column 19, lines 1-20; column 21, lines 45-67; column 22, lines 15-27).

As per claims 6, 18 and 29, Sistanizadeh teaches the optical service agent of claims 1, 13, and 24, wherein the optical service logic comprises:

bandwidth relinquishing logic for relinquishing excess bandwidth for a connection (column 11, lines 34-67; column 19, lines 1-20; column 21, lines 45-67; column 22, lines 15-27).

As per claims 7, 19 and 30 Sistanizadeh teaches the optical service agent of claims 1, 13 and 24, wherein the optical service logic comprises:

bandwidth allocation logic for allocating bandwidth among multiple connections (column 11, lines 34-67; column 19, lines 1-20; column 21, lines 45-67; column 22, lines 15-27).

As per claims 8, 20 and 32 Sistanizadeh teaches the optical service agent of claims 4, 16 and 31 wherein the bandwidth controlling logic is operably coupled to prevent bandwidth utilization on the connection from exceeding a predetermined maximum bandwidth utilization (column 15, lines 20-55).

As per claims 9, 21 and 34, Sistanizadeh teaches the optical service agent of claims 5, 17 and 31 wherein the bandwidth obtaining logic is operably coupled to obtain the additional

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bandwidth for the connection upon determining that bandwidth utilization on connection exceeds a predetermined level (column 15, lines 18-35; column 17, lines 45-67; column 19, lines 21-35).

As per claims 10, 22 and 35, Sistanizadeh teaches the optical service agent of claims 6, 18 and 31 wherein the bandwidth relinquishing logic is operably coupled to relinquish excess bandwidth for the connection upon determining that bandwidth utilization on the connection is below a predetermined level (column 15, lines 20-55; column 11, lines 34-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27).

As per claims 11, 23 and 36 Sistanizadeh teaches the optical service agent of claims 7, 19 and 31 wherein the bandwidth allocation logic is operably coupled to identify an over-utilized connection and an under-utilized connection and to transfer traffic from the over-utilized connection to the under-utilized connection (column 15, lines 20-55; column 11, lines 34-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27).

As per claim 33, Sistanizadeh teaches the method of claim 32 wherein taking an action to prevent the bandwidth utilization from exceeding a predetermined maximum bandwidth utilization comprises dropping packets (column 15, lines 20-55; column 11, lines 34-67; column 19, lines 1-35; column 21, lines 45-67; column 22, lines 15-27).

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### *Response to Arguments*

Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

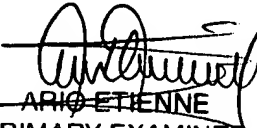
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam  
Ua  
March 28, 2006

  
ARIO ETIENNE  
PRIMARY EXAMINER